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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Kimberly A. Knight,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
14

No. CV-21-01865-PHX-JAT

ORDER

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus. The
16 Magistrate Judge to whom this case was referred issued a Report and Recommendation
17 ("R&R") recommending that the Petition be denied. (Doc. 20). Neither party has objected
18 to the R&R and the time for filing objections has run.

19 This Court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that
21 the district judge must review the magistrate judge's findings and recommendations *de*
22 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d
23 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263
24 F.Supp.2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that
25 *de novo* review of factual and legal issues is required if objections are made, 'but not
26 otherwise.'"); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d
27 1027, 1032 (9th Cir. 2009) (the district court "must review *de novo* the portions of the
28 [Magistrate Judge's] recommendations to which the parties object."). District courts are

1 not required to conduct “any review at all . . . of any issue that is not the subject of an
 2 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C.
 3 § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the [report
 4 and recommendation] to which objection is made.”).¹

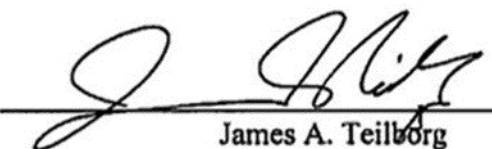
5 There being no objections,

6 **IT IS ORDERED** that the R&R (Doc. 20) is accepted.

7 **IT IS FURTHER ORDERED** that Grounds 1 through 7 of Petitioner’s Petition for
 8 Writ of Habeas Corpus are dismissed with prejudice; the remainder of Petitioner’s Petition
 9 for Writ of Habeas Corpus is denied. The Clerk of the Court shall enter judgment
 10 accordingly.

11 **IT IS FINALLY ORDERED** that pursuant to Rule 11 of the Rules Governing
 12 Section 2254 Cases, in the event Petitioner files an appeal, the Court denies issuance of a
 13 certificate of appealability because jurists of reason would not find it debatable whether the
 14 Court was correct in its procedural ruling, and jurists of reason would not find the Court’s
 15 assessment of the constitutional claims debatable or wrong. *See Slack v. McDaniel*, 529
 16 U.S. 473, 484 (2000).

17 Dated this 18th day of August, 2022.

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 22 James A. Teilborg
 23 Senior United States District Judge

24 ¹ The Court notes that the Notes of the Advisory Committee on Rules appear to suggest a
 25 clear error standard of review under Federal Rule of Civil Procedure 72(b), citing
 26 *Campbell*. Fed. R. Civ. P. 72(b), NOTES OF ADVISORY COMMITTEE ON RULES—
 27 1983 citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert.*
 28 *denied*, 419 U.S. 879 (The court “need only satisfy itself that there is no clear error on the
 face of the record in order to accept the recommendation.”). The court in *Campbell*,
 however, appears to delineate a standard of review specific to magistrate judge findings in
 the motion to suppress context. *See Campbell*, 501 F.2d at 206–207. Because this case is
 not within this limited context, this Court follows the Ninth Circuit’s *en banc* decision in
Reyna-Tapia on the standard of review.